



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/339,137	06/24/99	HOWLAND	W0490/7005

GM12/1108  
NEIL P FERRARO  
C/O WOLF GREENFIELD & SACKS PC  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON MA 02210-2211

EXAMINER

MUROMOTO JR, R

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Notice of Allowability

Application No.

09/339 137

Examiner

Robert H Muromoto, Jr.

Applicant(s)

HOWLAND ET AL.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

1. ☒ This communication is responsive to Paper #5
2. ☒ The allowed claim(s) is/are 1, 2, 10-30, 32, 34-48, 50, 52-56, 65, 66, 76-88 and 98-137.
3. ☐ The drawings filed on \_\_\_\_\_ are acceptable
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the CERTIFIED copies of the priority documents have been
    1. ☐ received.
    2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_
    3. ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

5. ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☐ because the originally filed drawings were declared by applicant to be informal.
  - (b) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_
  - (c) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.
  - (d) ☐ including changes required by the attached Examiner's Amendment / Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>7</u> |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>6</u> | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9 <input type="checkbox"/> Other  |

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09/339,137

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a) ☐ All b) ☐ Some\* c) ☐ None of the CERTIFIED copies of the priority documents have been  
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1) ☒ hereto or 2) ☐ to Paper No. \_\_\_\_\_  
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**Attachment(s)**

- 1 ☐ Notice of References Cited (PTO-892)  
3 ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 6  
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)  
4 ☒ Interview Summary (PTO-413), Paper No. 7  
6 ☒ Examiner's Amendment/Comment  
8 ☐ Examiner's Statement of Reasons for Allowance  
9 ☐ Other

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Art Unit: 3765

**EXAMINER'S AMENDMENT/COMMENT**

The Examiner has removed the original restriction requirement with respect to claims that are grouped in class 2/subclass 2.5. Applicant has cancelled all claims not grouped in class 2/subclass 2.5. Therefore a restriction requirement is no longer needed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Ferraro on October 26, 2000.

The application has been amended as follows:

**In The Claims**

Cancel claims 53-56.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H Muromoto, Jr. whose telephone number is 703-306-5503. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-3540 for regular communications and 703-308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

bhm  
October 26, 2000

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

# Interview Summary

Application No.

09/339,137

Applicant(s)

HOWLAND ET AL.

Examiner

Robert H Muromoto, Jr.

Art Unit

3765

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert H Muromoto, Jr.

(3) \_\_\_\_\_

(2) Neil Ferraro.

(4) \_\_\_\_\_

Date of Interview: 26 October 2000

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No  
If Yes, brief description:

Claim(s) discussed: 1-137

Identification of prior art discussed: None

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments. Agreement was reached to cancel claims 53-56 to bring the case into condition for allowance

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an  
Attachment to a signed Office action

\_\_\_\_\_  
Examiner's signature, if required

339, 137

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 6/24/99A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.  
Color drawings are not acceptable until petition is granted.  
Fig(s) \_\_\_\_\_  
Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_
2. **PHOTOGRAPHS.** 37 CFR 1.84(b)  
1 full-tone set is required. Fig(s) \_\_\_\_\_  
Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) \_\_\_\_\_  
Poor quality (half-tone). Fig(s) \_\_\_\_\_
3. **TYPE OF PAPER.** 37 CFR 1.84(e)  
Paper not flexible, strong, white, and durable.  
Fig(s) \_\_\_\_\_  
Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_  
Mylar, velum paper is not acceptable (too thin).  
Fig(s) \_\_\_\_\_
4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:  
21.0 cm by 29.7 cm (DIN size A4)  
21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
All drawing sheets not the same size.  
Sheet(s) \_\_\_\_\_  
Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_
5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins:  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm.  
SIZE: 8 1/2 x 11  
Margins not acceptable. Fig(s) 5, 7, 13  
Top (T) 5 Left (L) 7  
Right (R) 13 Bottom (B) 1
6. **VIEWS.** 37 CFR 1.84(h)  
REMINDER: Specification may require revision to correspond to drawing changes.  
Partial views. 37 CFR 1.84(h)(2)  
Brackets needed to show figure as one entity.  
Fig(s) \_\_\_\_\_  
Views not labeled separately or properly.  
Fig(s) \_\_\_\_\_  
Enlarged view not labeled separately or properly.  
Fig(s) \_\_\_\_\_
7. **SECTIONAL VIEWS.** 37 CFR 1.84 (h)(3)  
Hatching not indicated for sectional portions of an object.  
Fig(s) \_\_\_\_\_  
Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_
8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)  
Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_
9. **SCALE.** 37 CFR 1.84(j)  
Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.  
Fig(s) \_\_\_\_\_
10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(i)  
Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).  
Fig(s) \_\_\_\_\_
11. **SHADING.** 37 CFR 1.84(m)  
Solid black areas pale. Fig(s) \_\_\_\_\_  
Solid black shading not permitted. Fig(s) \_\_\_\_\_  
Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_
12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)  
Numbers and reference characters not plain and legible.  
Fig(s) 11  
Figure legends are poor. Fig(s) \_\_\_\_\_  
Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)  
Fig(s) \_\_\_\_\_  
English alphabet not used. 37 CFR 1.84(p)(2)  
Fig(s) \_\_\_\_\_  
Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  
Fig(s) 11
13. **LEAD LINES.** 37 CFR 1.84(q)  
Lead lines cross each other. Fig(s) \_\_\_\_\_  
Lead lines missing. Fig(s) \_\_\_\_\_
14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)  
Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_
15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)  
Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_
16. **CORRECTIONS.** 37 CFR 1.84(w)  
Corrections not made from prior PTO-948 dated \_\_\_\_\_
17. **DESIGN DRAWINGS.** 37 CFR 1.152  
Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
Solid black shading not used for color contrast.  
Fig(s) \_\_\_\_\_

## COMMENTS

REVIEWER

B. Caray

DATE

7-30-99

TELEPHONE NO.

ATTACHMENT TO PAPER NO.

8